

DEC 07 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

ANTHONY TURNER,
Plaintiff,

v.

TIMOTHY BANE, et al.,
Defendants.

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Civil Action No.7:05-cv-00726

DISMISSAL ORDER

By: Hon. James C. Turk
Senior United States District Judge


In accordance with the written memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that plaintiff's implicit request to proceed in forma pauperis without prepayment of the filing fee is **DENIED**; the action, construed as a civil rights complaint pursuant to 42 U.S.C. §1983, is **DISMISSED** without prejudice, pursuant to 28 U.S.C. §1915(g); and the action is stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff and to counsel of record for the defendants.

ENTER: This 7th day of December, 2005.


Senior United States District Judge